

1 THE HONORABLE JOHN C. COUGHENOUR
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 BENJAMIN SHERWOOD,

13 Defendant.

CASE NO. CR20-0155-JCC

ORDER

14
15 This matter comes before the Court on the Government's unopposed motion for leave to
16 dismiss the indictment against Defendant Benjamin Sherwood. (Dkt. No. 46.) Also pending is
17 Mr. Sherwood's motion to suppress certain evidence seized during a search of his residence
18 (Dkt. No. 41.) Having thoroughly considered the parties' briefing and the relevant record, the
19 Court hereby GRANTS the Government's motion and DENIES Mr. Sherwood's motion as moot.

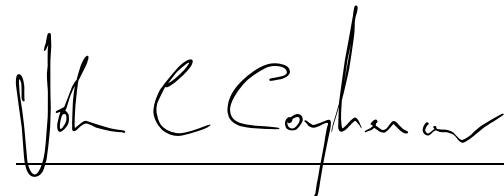
20 Federal Rule of Criminal Procedure 48(a) requires the Government to obtain "leave of
21 the court" to dismiss an indictment. This requirement gives a district court narrow discretion to
22 deny dismissal "if the motion is prompted by considerations clearly contrary to the public
23 interest." *Rinaldi v. United States*, 434 U.S. 22, 29 n.15 (1977). Because "the decision to dismiss
24 an indictment implicates concerns that the Executive is uniquely suited to evaluate, a district
25 court is limited in its ability to second-guess the government's decisions on whether and what to
26 prosecute." *United States v. Garcia-Valenzuela*, 232 F.3d 1003, 1007 (9th Cir. 2000) (cleaned

1 up). Here, nothing suggests that dismissal would contravene the public interest in any way.

2 The Court therefore GRANTS the Government's unopposed motion (Dkt. No. 46) and
3 DISMISSES the indictment (Dkt. No. 13) without prejudice. Mr. Sherwood's motion to suppress
4 (Dkt. No. 41) is DENIED as moot.

5 DATED this 21st day of January 2022.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



John C. Coughenour
UNITED STATES DISTRICT JUDGE